App. F. IX-4

1925.

File No. 197-25

(PRESERVED)

Serial Nos. 1—10

Previous References
Sh 261-12-3
S.R. 130-16-2
Legis 17-06 (1-6)
" 52-21 (1-11)

Later References

Law Ref
Ch 116-40 (7)

Ch Dep no 59-28.
Ch dep. 293-28
" " 85-29.
Ch 25-30/1-2
~~Ch 29-30/1-2~~
" 53.30, 39.
" 116-40 (21)
" Dep. (4)
Serial Dep. 41/42
" " 43/42

pleaders

General and Revenue Secretariat.

Part B for February 1927.

SUBJECT

Subject no 72 of the Bararo session of R.A. agers re reduction of court fees in small cause cases

Ramaraamy Iyengar
21.4.27

No.3306-12 Office of the Secretary, R.A.

5th December 1925.

Official Memorandum.

A list of promises made by the Government at the recent Dasara Session of the Representative Assembly is herewith forwarded with compliments to the Secretary, Local and Legis.Depts.

By Order,

Sd/- R.Ranga Rao

Secretary, Rep.Assembly.

20 (2

Dasara Session of the R.A. of 1925.

Subject No. 72.

Reduction of court fees in Small Cause cases.

It is prayed that the court Fees in Small Cause cases may be reduced from 10 % to 7½% as this is the rate obtaining in Madras Presidency.

Dewan's Reply. The discrepancy brought to notice will be enquired.

1) Land into adopt.

14/12/25

2) The discrepancy referred to was with reference to the higher rate adopted in the Court Fees amending Regn for Small Cause cases, while the rates in the Madras Act, on which the amending Regn was based, was lower. The Discussion on the representation may with advantage be referred to, before taking further action. If agreed the R.A. Office will be requested to put up a copy of the discussion.

14/12

3) Yes cag 15/12

15. RA Office be asked to send the 24 proof copies of the Bill as early as possible next week for 19/12

4) The Revision may be requested to put up a copy of the discussion on the subject. Resubmitted

23/12/25 / 21-1-26 5) To the RA Office for favour of compliance

22/1

Reg? 6) A copy of note of discussion is put up herewith as desired.

26/1/26

To The Secretary, R.A. with Compliments

WD 01264—GPB—40,000—17-12-25
App. F. III—2]

General and Revenue Secretariat | No. File No. 97 of 1926.

Serial No.

Fwd

7) In view of the Dewan's reply, no action seems necessary as regards fees in V. Madras courts. A copy is sent calling for further information as regards the probable amount of loss if the Court fees are reduced in Small cause suits.

8/ Fwd proceedings = May perhaps be approved
29.1.26 Asst 30/1

9) Approved

10) Issue copy

1 Issue Regr & Chief Court
Nop 3861 & 5-2-26.
Request to state the probable loss to govt if the Court fees in small cause cases are reduced to the Madras level

Fwd A

2 From
The Regr & Chief Court.
Letter no D2 No 1065 & 13.3.26
Forwards a statement showing the amount of Court fees realised during 1924-25 on plaints in Small Causes in the State and the probable loss to govt if the rates are reduced from 10% to 7½%.

11) From the statement it is seen that the probable loss will be about Rs 37,042/- Fwd proceedings

& 17/3/26 Asst 17/3

Please put up file Me re Amendments of C.C. Regn

Legislative
Please put up the file re the Court Fees Amending Regulation 1922

It has been brought to the notice of Government that the Court Fees Amending Regulation 1922 has been misused by certain persons in the Ganjam District in order to evade payment of Court Fees in suits for partition of immovable property. It is proposed to amend the Regulation so as to prevent such misuse. Draft Bill is submitted herewith.

Legislative 13) Submitted with the file. 25/18/3

18/3 Approved

NOTE—Contn. Sheet

WD 01264—GPB—40,000—17-12-25

General and Revenue Secretariat

File No. 157 of 1925.

Serial No.

14)

the file re the amendment of the Court Fees and Stamps Regulations is put up.

15) It can be seen in the statement (P. 9) that the enhancement in ad valorem fees in Madras was 50% ~~But in Nagpore~~ in cases of original suits and the old rates for small causes suits were not enhanced.

16) But in Nagpore the enhancement in ad valorem fees was only 25% both for original and small causes.

17) If in Nagpore the enhancement had been 50% as in Madras, then the argument that in Nagpore the rates for S.C. suits should be on the same scale as in Madras would be sound. But since the increase in Nagpore was only 25% both for ~~the~~ original & S.C. suits, the argument has no force, so far as the total revenue realised is concerned. For ~~what is gained~~ ~~by reason of~~ the enhancement of rates in S.C. suits, there was not enhancement to the same extent as in Madras with regard to original suits. Besides, the scope of S.C. suits in Nagpore is different from that

× P.

NOTE—Contn. Sheet

Serial No.

of the Mills in Bombay. See a Comparison between Madras & Bombay in this respect is not fair.

18) If the proposal is accepted for such loss about Rs 38000/-

22/3

22/3

(Lt Col)
1st Mr.

653/263

19) Papers are sent back awaiting the orders of Govt in the matter

28/3

30/3

3.3.

31.3

25
31.3

20) Send with the papers duly answered.

21) The locked file has been forwarded & the Collector is informed

3/3/26

2/4

(Mr)

65/3.4

22) The opinion of the Chief Comm has been called for in respect of the representation received & meanwhile early for the above be kept in abeyance,

23) The Chief Comm may now be requested to favour us with their opinion on the representation

6/4

6/4

6/4

Note—Contn. Sheet

3125 P 925 6 6

General and Revenue Secretariat | M5 File No. 497 | [App. F. III—2 of 1925.

Serial No

2 Sent with a draft
Q
6/4/26
Attd 6/4 25 Issue
28

3 To the Registrar Chief Court
Mop Secy Dy 10.4.26
Calls for the opinion of the Chief Court.

Secy A. 13/4

4 From
The Regr Chief Court
Letter no. S, 272 Dy 29.6.26
States that no difference in court fees has been made between small cause suits and original suits in Bengal and Bombay and that lower fee has been fixed for small cause suits has been fixed in madras and if the fees in small cause suits is reduced in mysore to the level in madras, there will be a probable loss of Rs 37,000 in revenue and if the amount of labour bestowed in small cause cases by the court is considered, the court fees in small cause cases must be on a somewhat lower scale.
26) A loss of Rs 37,000 is anticipated in revenue. Sent for orders
B
9/7/26 Wn 9/7/26
27) As pointed out by the Chief Court there was no difference made anywhere in the ~~fees~~ rates of Court fees levied in original suits and small causes prior to the year 1922. Mysore was no

Note—Contn. Sheet

Serial No

exception. In 1922, Local Govts were empowered to modify the rates of Court fees, in any manner that seemed suitable to each Govt. Bombay & Bengal kept the same rates (though higher rates when compared with the old rates) for both the original & small cause suits, while Madras made a difference by charging lower rates for small cause suits.

When the Court fees Act was amended, the model adopted was that of Madras, though the rates were not the same. They are very much lower than in Madras. It does not follow, however, that we should have copied the Madras method wholesale & prescribed still lower fees for small cause suits, when the major portion of British India keeps the same scale of rates for both classes of suits. There is only one reason in favour of the proposal — viz, that the amount of work involved in a small cause suit is generally less than that in an original suit. This is, however, not the rule — for example, original suits may be decreed Ex parte or on Consent, while small cause suits may be contested. The fee charged is not less because a decree is Ex parte or on Compromise or as a result of arbitration. The Court does practically very little work in

NOTE— Contn. Sheet

Serial No

such cases. The reason advanced does not thing hold good. The question involves an annual loss in revenue to the extent of about Rs 37,000/- a year & it is likely we may have to spend more on Courts in the near future. In these reasons, the request may not perhaps deserve a favourable consideration.

255/9/7

29) 1st & 2nd Secys / 1st Asst This is purely a question of finance! Cag 5/7 8/7 8/7 Cag 8/7

30 Please compare the Madras & Mysore rates for Small Cause Cases. Is it 7½ as stated by Mr Belvi-S. & Mysore.

10/7/26

10/7 Cag 10/7

31)

Submit with a statement showing the rates with percentage in Madras and Mysore before and after Amendments in court fees payable in suits filed before courts. The rates payable in Presidency Small Cause Courts are also included for ready reference.

32) a Statement is put up.

20/7/26 20/7

846/23/7

The present rate is 10% in Mysore & 7½% in Madras Provincial Small Cause Courts & 12½% in Madras Presidency Small Cause Court. Our rate for original suits is also 10% as compared with 11¼% in Madras.

2nd Secy / 1st Asst

33 Please submit

Cag 22/7 8/7

NOTE—Contn. Sheet

34) Madras collected

24/7 Cag 24/7

Urgent

Please note below how
the figures 22,200 & 34½ thousand
have been worked out.

April
29/7

8% is ½% more than 7½%
ie ½% is $\frac{2}{30}$ of 7½% =
1/15 of 37,000 is 2466.
37000 - 2466 = 34534
9% is 1½% more than 7½% or
1/5 of 7½% : 1/5 of Rs 37,000
= 7400, & the loss would be reduced
by 2466 or the total loss would
be Rs 29,600

29/7/46

Serial No.

35) Submitted person to the Member. Please Calculate the loss, if the fee is reduced to 9% and to 8%.

Cag 27.7

Contd.

36) The Budget actuals of Court fee income for 1924-25 is Rs 10,93,457. The budget figures for 1925-26 is Rs 11,00,000, and the revised for the same year is Rs 11,65,000. The estimate for 1926-27 is Rs 11,65,000. The average comes to Rs 11,52,819 at 1½%. If it is reduced to 9%, the realisation will be 9/10 of the average or Rs 10,37,529. The loss will be Rs 1,15,290. This will be the loss if a uniform reduction is made. If reduction is made in small causes alone and the fee is reduced to 8%, the loss will be Rs 34,557 and odd. If the reduction is made in both original and small cause cases, ~~for w~~ calculation information is not possible to be made for want of percent income from small cause cases alone. If the small cause rates alone are reduced to 9% and 8% the total loss would be Rs 29,600 - and 34½ thousand respectively.

37) Please bring up

This is what is wanted. How were the figures arrived at?

Cag 31.7

2 8/7/26 Asst 30/7

Cag 31.7

31/7

NOTE—Contn. Sheet

Serial No.

38 Subd ink adopt as directed — Issue

3/8/26 Adm 4/8

39 cas 4/8

5c To The Registrar Chief Court

Letter 618 8) 5-8-26.

Requests to intimate the loss of the Court fees in Small Cause Suits are reduced 8% & to 9%.

Cert 11/8

From

The Regr. Chief. Court

Letter no D.dis 220 dy 10-8-26

States that the loss would be Rs 29,600 and 14,800 if the court fees are reduced to 8 and 9% respectively from 10%.

And

40 The Chief Court state that the figures have been calculated upon the figures already given. If so the loss should be Rs 34,600 and Rs 29,600/- if they are reduced to 8 and 90% respectively from 10%. Probably 1 is a mistake for 3 in the figure Rs 14,800/- Subd with reference to para (3-5) above.

? either

No — the loss will be less if the reduced to 90% than to 80%?

8/ 13/8/26 Adm 13/8

41) Merchmeyer cas 13/8

Subd 42

The Chief Court figure is correct. The probable loss, if the court fe

8/ 14/8/26

NOTE—Contn. Sheet

Serial No.

is reduced to ₹ in small cause cases is stated to Rs 14,800/- if the rate is fixed at- ₹ Rs when the subject matter is valued at Rs 1000/- Rs 29,600/- if the rate is 8 ₹ Rs. If the rate is 7½ Rs as in Madras the loss will about Rs 37,000/-.

43 Put for orders, if the rate maybe reduced to any extent. The existing rate in Mysore is 10 Rs. If this to be reduced, legislation is necessary.

1936
16/8.

(Ist Secy)
1st Mem^r.

Cas
14/8
8d
16/8
Cas
18/8

44

Perhaps we may wait a year or two till our finances improve before taking action to bring our rates into line with Madras.

45 Please submit to Dewan after return

Ldc
17/8

8d 18/8 Cas 18/8

C5
18/8

Dewan

Cas
24/8

45 I agree with the Ist Member.

Ldc
26.8.26

8d 26/8
Cas

DEWAN'S OFFICE.
Received on
25. AUG. 1926
Reg. No 1396.

46 Vide Septic note sent.

2313
27-8.

1st Member
Ldc
28.8.

8d 28/8 Ldc 28/8

NOTE—Contn. Sheet

12 (12

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(i) Aberdeen Leg Dept Enfl

I am told that Mr C. Dyer had joined that Stamp in refund of half fees & was Compromised Cases unnecessary & Mrs H-H. vetoed it. - Please Expedite file & bring up the ~~the~~ classified Rules & ~~the~~ notes as to what points will be up half refund (wh. Scheme reaches the Courts) is abolished & 10% reduced to 7½% in small Cases

Lee
27/8
cas
29.8

Lee 28/8

Secd.

(i) The file relating to ~~the~~ Section 17 A Opium and Courts Regulation is submitted (locked file) In this there is no such proposal.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

From the file headings also it is seen that there is no such file (Courts Section file headings).

(i) There is no separate file, but please see the proposals for revision of process dept. & suggestion to abolish Register, maybe for chapter heads of anywhere.

WD 01264—GPB—40,000—17-12-25

General and Revenue Secretariat

1070/26 P 757 1070

No File No. 497

[App. F. III—2

of 192 5.

Serial No

50 Re XIV. Courts of law - Receipts - a deduction has been allowed for Refunds. It is doubtful whether the amount provided under Refunds under this head includes only the refunds under section 17-A of the Civil Courts Regulation. It may include the deposit of money made under court sales and subsequently refunded.

51 Submitted with a draft calling for the information

B 9/9/26 52 Please see last page. + put up files relating to reorganisation of the Process depte & the Ministerial staff. If anywhere, such a proposal is likely to be found there. 9/9

9/9

53 The files referred to are marked herewith. There are no such proposals

B 13/9/26 54 Submit in person to the Member. Is there information available in the Secrett as regards the probable amount ~~per yr~~ of refund of Court fees per year. If, there is no information, it may be called for. 13/9

54 Information is not available. Submitted with draft-

B 21/9/26 55 Issue 21/9

Low. To the Registrar Chief Court

POP 1449 dt 24. 9. 26.

Request to intimate the probable amount for yr that is being refunded to the parties

Low 27/9

NOTE— Contn. Sheet

1966

1 4 14

WD 01264—GPB—40,000—17-12-25

App. F. III—2]

General and Revenue Secretariat

CS File No. 47 of 192 6

Serial No.	
	From The Registrar Chief Court Letter no 2062 dated 27.9.26 States that the information as regards the amount of refund under section 17A civil Courts Regulation has been called for from the subordinate courts and will be furnished on receipt. Submitted for perusal. The receipt of report from the Chief Court may be awaited for a month more and then a Rr will be issued if necessary Q. 30/9/26 AAG 30/9 SP 1/10
57	
58	Further information promised by the Registrar Ch Court has not been received. Submitted with a draft. 29/10 AAG 29/10 To Issue 29.10
	From The Registrar Chief Court letter no D is 5044 dated 28 10 26 States that the average amount refunded under section 17-A of the civil Courts Regulation during the past 3 years is Rs 73,077-14-0 per year. Submitted with reference to paragraph 47 above. If the refund of Chief Court fees is to be abolished, the Regulation has to be amended. Necessary correspondence may be initiated accordingly. 2/11/26 AAG 2/11
59	

For A

NOTE—Contn. Sheet

1950

WD 01229—GPB—37,500—1-9-2

App. F. III—

General and Revenue Secretariat

No. File No. 97 of 192 5

Serial No.

62 Subd with reference to para 47.

63 The amount of Court-fee refunded in cases which are settled out of Court without Contest, is about Rs 3,000/- a year on an average.

64 If the Court-fee in Small Cause Suits is reduced to 7½ annas in Madras, the loss likely to result is 37,000/- a year.

Ltd Secy
1st Nov.

Cag 2/11

4662 3/11

3/11 Cag 3/11

65 From some remarks made in R.A. and seen in the people do like reduction Rs refund, as refund has said, usually goes to lawyers clerks! This would mean also a Gain to Govt. Do not refund not the rule in any British Province; is refund not allowed?

Ldc 5/11

5/11 Cag 5/11

66 I believe there is no refund in Madras & Elsewhere — Please look up Rules of practice verify.

Cag 5/11

Please submit this bearing in mind para 17 (c) para 47 — Refunds Cag 5/11

67 There is no provision in the Madras Civil Courts Act for refund — Bombay Govt Rules of practice is quite

Cag 13/11/26 15/11

NOTE. Contn. Sheet

1950

WD 01225—GPB—37,500—1-9-26

App. F. III—2]

General and Revenue Secretariat

No File No 97 of 1925.

Serial No.

68 Submitted with reference to the Member's query on the previous page.

69 In the Madras Presidency, a refund of half the fee is allowed in the City (ie) in cases instituted in the City Civil Courts & the Presidency Small Cause Courts. The Presidency Small Cause Courts Act 1882 & the City Civil Courts Act 1892, provide for it. In all other Courts, ~~outside~~ cases in the Mufussil (as also also in the City of Madras where the Courts do not fall under the two Acts referred to above) there is no refund.

70 In the other Presidencies no such provision appears to exist.

71 In Mysore, there was representation in the Assembly that the question was taken up & a refund ordered in ~~all~~ Cases in Small Courts, without confining it to either Cities or Small Causes.

5.210 20/11

Ld Secy

1st Mr. Chief Court Mysore

:- Consulted again 8/11.

Lee 23/11

Cas 23/11

Cas 19.11 Ad 20/11 Cas 20/11

Ad 23/11

NOTE. Contn. Sheet

Serial No.

Received Draft in duplicate 29/11

Send with adopt — Please type & put up

Cag 4/12

29/11/26

BM 29/11

74

Send with a typed copy for consideration

Ld Secy

Cag 3/12

24/11/26

AMC 24/12

75 Draft may be approved

Member.

BM 4.12

Cag 4.12

S-743

6/12

76 Ldy 7/12

BM 8/12 — 77 Done Cag 8/12

To

The Registrar Chief Court

No no P2579 Dt 9-12-26

Requested to favour Govt with the views of the Chief Court as to whether the provision for refund in cases settled out of Court may be abolished and the institution fees reduced in Small Cause Cases 6¾ p.c. as in drafts from

Registr Chief Court letter no D, dis 125 dt 8-1-27

States that the withdrawal of the concession of refund of Court fees in cases settled out of Court is likely to provoke considerable opposition and that the question of reduction of court-fees in small cause cases has to be considered independently and not made to depend on the abolition of refunds and that the complaints that the refunds do not reach parties will be remedied if Court fees are allowed to be paid in 2 instalments as suggested by the Committee

(C) SMSA 10/12

NOTE—Contn. Sheet

WD 01229—GPB—87,500—1-9-26
App. F. III—2

General and Revenue Secretariat

C5 File No. 3028 (97) F of 1925

Serial No.

78 Subd with reference to paras 72 and 76 above. The Law's Delays Committee's suggestion re payment of court fees in instalments has been worked up and noted herewith

11/1/27 79) The Judges of the Chief Court are not in favour of abolishing the present practice of refunding half the institution fees

80) They are also of opinion that the question of reducing the institution fee in Small Cause Cases should be considered independantly of the question of refunds of half institution fees.

81) Subd for perusal with reference to para 72.

(LL Lee) 1/2

12/1/27

8327 7/2

(a) The suggestion of the Law's Delay's Committee to pay fees in 2 instalments might be adopted for the present. We cannot afford to reduce the fees esp. when it is proposed to spend more money on Courts.

83) Please submit to Diwan after return.

DEWAN'S OFFICE.
Received on
15. FEB. 27
Reg. No. 26094

NOTE—Contd. sheet

5

Statement showing the fees charged in small causes and original cases in Madras and mysore.

Fees charged for suits under the court fees Act before Amendment in 1922 in Madras.		Fees charged in mysore under the Court Fees Regulation before Amendment.		Fees charged in madras as per Amendment Act.			Fees charged in mysore after Amending Regulation		Rates charged in Provincial Small causes Courts	
				Original suits		S.C. suits in provincial small cause courts.				
A fee of six annas when the amount or value of the subject matter in dispute does not exceed Rs 5/-	7½%	The same as in Madras	7½%	When such amount or value exceeds Rs 5/- for every 5 Rs or part thereof in excess of Rs 5/ upto Rs 100/- at Annas Nine.	11¼%	When the amount or value exceeds 5 Rs for every Rs 5/- or part thereof in excess of Rs 5/- upto Rs 100/- — six annas	7½%	For every Rs 5/- or part thereof in excess of Rs 5/- upto Rs 100/- at Annas Eight	10%	After of two annas upto rupee upto Rs 500/-
When such amount or value exceeds Rs 5/- for every 5 Rs or part thereof in excess of Rs 5/- upto Rupees one hundred — Six annas	7½%	The same as in Madras	7½%							12½

NB. (1) Before the Amendment Act in Madras no distinction was made between original cases and small causes in respect of fees or rather the Amending Act has increased the rates in respect of original cases and left the original rates in fact as regards small cause cases.

(2) No distinction has been made in mysore in the Amending Regulation

Subject No: 72.

Reduction of Court fees in Small cause cases.

M. Venkatasami Chetty Chikballapur Municipality.

It is prayed that Court fees in Small cause cases may be reduced from 10 to 7½ p.c as this is the rate obtaining in the Madras Presidency.

M. Venkatasami Chetty said that the reduction would be in the interests of the poor people that ordinarily figured in such cases.

M. Belur Srinivasa Iyengar said that receipts under Court-fees amounted at present to Rs 10½ lakhs whereas the expenditure on Courts was only 4½ lakhs, that while such was the case, it was not right to allow poor people to fight out their cases by paying heavy fees. He added that in the case of Small Causes, regular evidence was not recorded there was no appeal, no proper judgment as in the original suits & that therefore it was not justifiable to take the same court-fees for Small cause cases as in the original Suits. He stated that as it was said that our Act was based on the Madras Act there was no reason why when the court fee on Small cause Suits was 7½ per cent in Madras, they should be 10 per cent in Mysore.

M. Hutchaiyagowda brought to the notice of Government that even in Village Munsiffs Courts they had to pay stamp fees and

11 that such fees should be removed

The Dewan promised to enquire into the discrepancy brought to notice.

Copy

28/1/26

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue 5-2-26

Signed by Mr C. Abdul Ghani

List of enclosures.....

Copied by.....

Examined by.....

Section C8

File No. 97-25

Seria No. 1

No. P 3861

To The Registrar Legislative Council

Sir

I am directed to state that at the Dasara session of the Assembly 1925 it was represented that the Court fees in Small Cause cases may be reduced from 10% to 7½% as this is the rate obtaining in Madras Presidency. I am to enquire what ~~may be the average loss~~ probable loss to Government if the rates in Mysore are reduced to the Madras level in Small Cause cases

I have etc

Copy sent 30/1 Dy Secy

over

24/12/25

WD 0562—GPB—31,000—17-8-25

38266

3625 725 P 2612

CHIEF COURT OF MYSORE

Telegraphic Address. "JUSTICE"

Bangalore, dated 13th March 1926.

No. 22 22 1065 / 25-26 Encl Cp 197-25-22

FROM

A. SREENIVASARAGAVACHARI, ESQ., B.,A., B.L.,
Registrar, Chief Court of Mysore.

14 MAR. 1926 G. D. SECTION

To

R. Nagappa, Esq., Bar-at-Law,
Secretary to the Government of Mysore,
Local and Legislative Departments,
Bangalore.

SIR,

In continuation of my letter No.ROC.926 of 1925-26 dated the 9th February 1926 and with reference to your letter No.P.3861/Cts.197-25-1 dated the 5th February 1926, I am directed to forward herewith a statement showing the amount of court fees realised during 1924-25 on plaints in small causes in the Subordinate Judges' and the Munsiffs' Courts in the State and the probable loss to Government if the rates thereof are reduced from 10% to 7½%.

I have the honour to be,
Sir,
Your most obedient servant,

M Srinivasaraghavachari

for REGISTRAR.

PNK.

APP. F. VI. Gl.]

4

SUBJECT.....

.....

.....

Section Cts

File No. 197-25

Seria No. 3

No. 5222 (1)

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To The Registrar Ship Court

Sir

Date of issue 10/4/26

Signed by M'J

With reference to the correspondence ending with your letter no 42 dtd 1065/25-26 of 13/3/26 within ship the probable loss to Govt if the rates of Court fees be reduced from 10% to 7½% in Small Cause Cases, I am directed to forward, herewith for favour of opinion of the Chief Court, a copy of subject no 72 brought up for discussion in the Darbar session held of 1925 together with the discussions thereon re Reduction of Court fees in Small Cause Cases.

List of enclosures.....

Copied by.....

Examined by.....

and request you to favor Govt with the opinion of the Chief Court on the representation

over Thanks etc

WD 0562—GPB—31,000—17-8-25

7/4 Work May

6/4/26 Appt 6/4

4992
P

Telgm: JUSTICE

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore.....29th June.....*192* 6.

~~R. O. C.~~ Dis. No. 272/25-26

197-25-4

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

GENL. & LEGISLATIVE DEPTT. Br. 29 JUN 1926 To G. D. SECTION.

B. N A G A P P A, Esq., Bar-at-Law,
Secretary to Government,
Local & Legislative Departments,
BANGALORE.

Sir,

I am directed to acknowledge the receipt of your letter No.P.5222 (1) Cts. 197-25-3 dated the 10th April 1926, requesting to be furnished with the opinion of the Chief Court in regard to Subject No.72, brought up for discussion in the Dasara Session of the Mysore Representative Assembly of 1925, re: the reduction of court fees in small cause cases.

2. In reply I am to state that at present in the Mysore State no difference is made as between original and small cause suits in the rates of ad valorem court fees levied, court fees at the same rates being payable in both classes of suits. Under Schedule I of the Court Fees Act of 1870, no difference was made in regard to the rates of court fees payable in original and small cause suits, respectively. In 1922 power was given by the Devolution Act XXXVIII of 1920 for each Province in British India to fix its own rates of court fees, and several of the Provinces have passed amending Acts generally enhancing

6

court fees. Under Madras Amendment Act V of 1922, a lower scale of fee has been fixed in the case of suits of the nature cognizable by a court of small causes, when instituted in a court outside the Presidency Town when the amount or value of the subject matter does not exceed Rs.500/-. But in Bengal, Bombay, etc., there is no difference in the scale of fees payable in original suits and small causes, respectively, even under the amending Acts.

3. I am to state that the question of reducing court fees payable in small cause suits is one that mainly concerns Government and depends on whether they are prepared to forego a sum of Rs.37,000/- per year which represents the probable loss on account of a reduction of fees.

4. I am to add that if the amount of labour bestowed by the court in the trial of cases, is to be taken as a criterion in fixing court fees, then it follows that the court fees leviable in small causes must be somewhat on a lower scale than in original suits, since the trial of an original suit involves more labour and time on the part of the Court than of a small cause suit.

I have the honour to be,

S i r,.

Your most obedient servant,

Theenisadopowchan
29/6/26

R E G I S T R A R.

TMN/2

P. F. VI. 61.]

SUBJECT.....

.....

.....

Section C/S
File No. 197-25
Serial No. 5

No. P 618

Diary No. of letter replied to.....

To

The Regr Chief Court

Sir

General and Revenue Secretariat
( )
the *192*

With reference to the correspondence ending with your letter no D. 272 J 29-8-26 stating that there will be a probable loss of revenue to the extent of Rs 17000 if the court fees payable on Small Cause suits are reduced from 10% to 7½%, I am directed to request you to kindly intimate the loss if the court fees payable in Small cause suits are reduced (1) to 8% and (2) to 9%. An early reply is requested.

Date of issue 5-8-26

Signed by Sd/- C. Abdul Ghani

Yours obedt servt
Secy
4/8

List of enclosures.....

Copied by 5.8.26

Examined by.....

Dy Secy

over

B/21/8/26

WD 01265—GPB—31,000—24-12-25

4/8

08074

563

757 P 26

Telgm: "JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

R. O. C. No. 220
Dis. 26-27

Bangalore....10th August...1926

Ch 197-25-6.

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

GEN. & REV. SECTT. G. D. SECTION. 12 AUG. 1926

To B. Nagappa, Esq., Bar.-at-Law,
Secretary to the Government of Mysore,
Local and Legislative Departments,
Bangalore.

Sir,

12th Aug 1926

I am directed to acknowledge the receipt of your letter No. P. 618/Cts. 197-25-5 dated 5th August 1926, requesting to be informed of the loss of Court fee if the Court fee payable in Small Cause Suits is reduced to 8% and 9% respectively from 10%.

In reply I am to state that calculating from the figures already furnished, ~~that~~ there will be a probable loss of Rs.29,600/- and of Rs.14,800/- if the court fees payable in Small Cause Suits are reduced to 8% and to 9% respectively from 10 per cent.

I have the honor to be
Sir,
Your most obedient servant.

M Srinivasa Iyengar
for Registrar.

RLN

9

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue 24/9/26

Signed by M Creagh

List of enclosures.....

Copied by..... 22/9

Examined by.....

Section C/5

File No. 197-25

Serial No.

No. F 1449/

To

The Registrar Chief Court

Sir,

I am directed to request you to kindly intimate the probable amount for the year that is being refunded to the parties under section 17 A of the Civil Courts Regulation.

I have etc

Dora Lacy

21/9/26

over

WD 01265—GPB—31,000— 24-12-25

1548 826

Telgm:
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore..27.th..Septembe~~r~~ 192 6 .

R. O. C. No. 377-26
~~Dis.~~

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

GEN. & REV. SECTT. Rec'd 28. SEP. 1926 G. D. SECTION.

To

B. NAGAPPA, Esq., Bar-at-Law.,
Secretary to Government,
Local & Legislative Depts.,
B A N G A L O R E.

Sir,

I am directed to acknowledge the receipt of your letter No.P.1449/Cts.197-25-7 dated the 24th September 1926, requesting that the probable amount per year that is being refunded to the parties under Section 17.A, Civil Courts Regulation, may be intimated, and to state in reply that the information has been called for from the subordinate courts and will be furnished on its receipt.

I have the honour to be,
Sir,
Your most obedient servant,

M Srinivasaragavachari
FOR REGISTRAR.

TKV.

1956 926 1246
P 926 11

Telgm:
"JUSTICE"

20/64

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

R.O.C. No. 504
Dis. 26-27

Bangalore 28th October 1926

Cts 197-25-8

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

CEN. & REV. SECTT.
30. OCT. 1926
G. D. SECTION.

To P

B. Nagappa, Esq., Bar-at-Law,
Secretary to the Government of Mysore,
Local and Legislative Departments,
Bangalore.

Sir,

Adverting to your letter No. P. 1449/Cts. 197-25-7 dated 24th September 1926, requesting to intimate the probable amount per year that is being refunded under Section 17 A of the Mysore Civil Courts Regulation, I am directed to state that the average amount so refunded during the past 3 years from 1923-24 to 1925-26 is Rs.73,077-14-0 per year.

I have the honor to be
Sir,
Your most obedient servant,
MVenkatasiyan
For Registrar.

RLN.

CONFIDENTIAL.

D.O.No. 2579 9/12/26

Dear Sir,

Please refer to this office letter No.B. 3861/Cts. 197-25-1 dated 5-2-1926 re. the reduction of the institution fees in small cause cases from 10% to 7½% as in Madras. Were it not for the considerable loss of revenue involved, the proposal would be deserving of favourable consideration. It is observed in this connection that in the Madras Presidency outside the City Civil Courts and the Presidency Small Cause courts, no refund of institution fees is allowed, as in Mysore, in cases settled out of court. Government would like to be favoured with the views of the Chief Court as to whether the provision for refund in cases settled out of court may be abolished, and the institution fees reduced in Small Cause cases to 7½% as in Madras.

Yours sincerely,

A.Sreenivasaraghavachari,Esq,B.A.B.L.,

Registrar, Chief Court.

TD

D.O. Dy. Sr. No 125 3028 P Ch 197-25-10

POST BOX No. 60.

CHIEF COURT OF MYSORE, BANGALORE.

CONFIDENTIAL.

Dated 8th January 1927

Dear Sir,

I am desired to acknowledge the receipt of your D.O. letter No.P. 2579/Cts. dated 9th December 1926, requesting to be furnished with the views of the Chief Court as to whether the provision for refunds in cases settled out of court may be abolished and the institution fees in Small Cause suits -- reduced to 7½% as in Madras.

In reply I am to state that the general principle - which has also been accepted by the Indian Taxation Enquiry Committee - is that court fees should be measured by the cost of the service rendered, in other words that the court fees paid in cases which are contested and occupy much longer time of the Court for their disposal should be higher than in cases which are disposed of without much effort or time on the part of the Court, e.g., cases which are compromised at an early stage or in which the defendant instead of prolonging trial consents to a decree. It is upon this principle apparently that Section 17 (a) of the Mysore Civil Courts Regulation was introduced more than 30 years ago on account of representations made in the Representative Assembly. To withdraw this concession at this time especially when the court fees have been recently enhanced is likely to provoke opposition from the litigant public as well as the lawyers.

If the institution fee in smallcause suits is reduced from 10% to 7½% as in Madras such a step would undoubtedly be welcomed by the litigants. But that question has to be considered independently and not made to depend on the abolition of the refund of half the institution fees.

It is possible that in some cases refunds granted to parties do not reach them but this cannot be said to be a

general

14

general rule and in many cases these refunds are adjusted towards fees or balance of fees due by the client to the lawyer. In any case the suggestion of the Laws Delays Committee (vide paras 384 and 385 of the report) that -- court fees may be paid in 2 instalments, half the amount in the beginning when the suit is filed and the balance when it reaches the contested stage, if carried out will be a sufficient remedy for the complaints that refunds do not always reach the parties.

Yours sincerely,

Srinivasa Iyengar
8/1/27

To

B. Nagappa, Esq., Bar-at-Law,
Secretary to the Government of Mysore,
Local and Legislative Departments,
Bangalore.

DNK.S.